

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GREE, INC.,

Plaintiff,

v.

SUPERCCELL OY,

Defendant.

§ The Honorable Rodney Gilstrap

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§ Civil Action No. 2:19-cv-00070-JRG-RSP

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2:19-cv-00071-JRG-RSP

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JURY TRIAL DEMANDED

NOTICE OF DENIAL OF GREE’S REQUEST FOR REHEARING

Pursuant to this Court’s Standing Order requiring Notice of Relevant Determinations from Related Proceedings in Cases Assigned to United States District Judge Rodney Gilstrap, Defendant Supercell Oy hereby provides notice of the Federal Circuit’s decision regarding the invalidity of the lone asserted claim of U.S. Patent No. 9,597,594 (“the ’594 patent”).

On January 2, 2019, the Patent Trial and Appeal Board (“PTAB”) issued a Final Written Decision in PGR2018-00008 ruling invalid claims 1, 8, and 10-20 of the ’594 patent but finding claims 2-7 and 9 had not been shown to be unpatentable. *Supercell Oy v. Gree, Inc.*, Case No. PGR2018-00008, 2019 WL 80477, at *26 (P.T.A.B Jan. 2, 2019). GREE, Inc. (“GREE”) appealed, and Supercell cross-appealed.

On November 19, 2020 the Federal Circuit Court of Appeals issued an opinion affirming the invalidity of claims 1, 8, and 10-20 and reversing the Board’s decision as to claims 2-4 and 9. *GREE, Inc. v. Supercell Oy*, 834 Fed. Appx. 583, 590 (Fed. Cir. 2020). The Federal Circuit thereby ruled invalid claims 1-4 and 8-20 of the ’594 patent, including claim 2, which is the only asserted claim of the ’594 patent.

On January 22, 2021, GREE filed a Petition for Rehearing or Rehearing En Banc of the Federal Circuit's opinion.

On April 2, 2021, the Federal Circuit Court of Appeals denied GREE's Petition for Rehearing or Rehearing En Banc. The Order denying GREE's Petition for Rehearing or Rehearing En Banc is attached hereto as **Exhibit A**.

Thus, the Federal Circuit has denied GREE's attempt to overturn the Federal Circuit's determination of invalidity of the lone asserted patent claim of the '594 patent.

Dated: April 5, 2021

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By: /s/ Michael J. Sacksteder

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by first class mail.

/s/ Michael J. Sacksteder

Michael J. Sacksteder